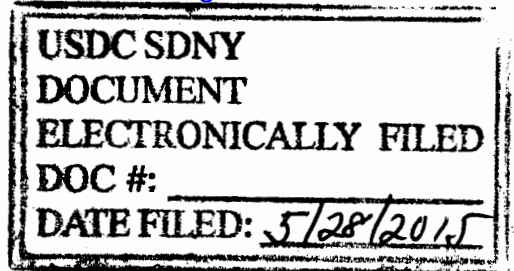


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
:
TRUSTEES FOR THE MASON TENDERS :
DISTRICT COUNCIL WELFARE FUND, :
PENSION FUND, ANNUITY FUND, and :
TRAINING PROGRAM FUND, *et al.*, :
:
Plaintiffs, :
:
- against - :
:
HARBOR ISLAND CONTRACTING, INC., :
:
Defendant. :
-----X

14 Civ. 8956 (TPG)

OPINION + JUDGMENT

This action commenced on November 10, 2014. Plaintiffs served the summons and complaint on defendant Harbor Island Contracting, Inc. ("defendant") on December 5, 2014, and filed an affidavit of such service on December 18, 2014. (*See* Dkt. No. 3.)

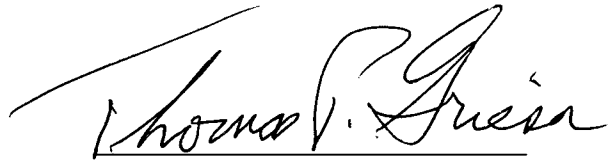
Now pending before the court is a motion to confirm arbitration filed by plaintiffs against defendant on April 2, 2015. (Dkt. No. 4.) The motion seeks to confirm a November 11, 2013 opinion and default award of arbitrator Joseph Harris in favor of plaintiffs and against defendant, and seeks judgment in favor of plaintiffs in the amount of \$71,750.19. The arbitration award arose as a result of defendant's failure to make benefit payments and submit other monies due to plaintiffs for a period between December 2010 and May 2013. (*See* Dkt. No. 5. at ¶ 7.) Despite having agreed to arbitration in an applicable collective bargaining agreement, and despite receiving proper notice of a hearing, defendant did not appear at the arbitration hearing. (*Id.* at ¶ 18; *see also* Dkt. No. 5-2 at Ex. 7.)

The Clerk of Court entered a certificate of default as to defendant on April 2, 2015. (Dkt. No. 9.) A proof of service having been filed, and defendant not having answered the

complaint or otherwise responded to the motion to confirm arbitration, and the time for answering the complaint having expired, the Clerk of Court is respectfully directed to enter judgment in favor of plaintiffs against defendant in the amount of \$71,750.19.

SO ORDERED.

Dated: May 28, 2015
New York, NY



Thomas P. Griesa
U.S. District Judge